

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, May 12, 2022 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette
Stephen Maxon
Dustin Cichon
Stephen Tudhope
Christian Mahood

ATTORNEY: Robert Marks

OTHERS: None

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 7:00 pm.

Mr. Bassette amended the agenda to add untabling the Cawley Area Variance to rehear the applicant at the next Zoning Board meeting.

Before Mr. Bassette opened the Hamlin public hearing, he said he works with Ms. Minderman on a non-profit, but Mr. Bassette said he is not swayed by this and can be nonpartial on hearing the application and voting. The Board had no objection.

HAMLIN AREA VARIANCE PUBLIC HEARING

An area variance application Douglas Hamlin and Lynn Minderman, 1123 West Bloomfield Road, Honeoye Falls, consisting of .88 acres, for a 24.8' x 25x4' garage and repurpose exiting garage into living space at said property, with a front property line setback between 30-40 feet, whereas code requires a 60-foot front property line setback and therefore requires an area variance. Zoned RA-1. Tax account no. 216.03-1-34.

Mr. Bassette waived the reading of the public notice; it was published in the Sentinel.

Mr. Bassette welcomed the applicants to the table.

The applicants thanked the Board for hearing their request. They gave their background and history in Honeoye Falls.

Mr. Hamlin said they have lived at 1123 West Bloomfield Road for eight years, and it is the original Mendon School House 11. They have done interior changes and decided they want a better view when looking outside and want to move the entrance to the garage. Their neighbor, Chris Lopez, is helping the applicants change their garage and create living space.

The applicants stated they have no desire to change the character of their property. The exterior of the new garage will match the exterior of the house. They will change the garage doors to the West.

Mr. Hamlin and Ms. Minderman met with their neighbors and all support and encourage the applicants to proceed.

The applicants said as with all other houses, there is no room to meet the required setback. They are asking for a variance on the setback. There are no other options with the lot they are on. They considered a detached garage, but it would still require a setback variance and it would look different and definitely change the character.

Mr. Bassette asked the applicants if they considered the south side instead of the west. Mr. Hamlin said they want to open the space and get rid of the driveway to add greenspace. They want to open the view to the west.

Setbacks were discussed.

The applicants said they want to remove 1700 square feet of driveway and add greenspace to enhance the aesthetics. Mr. Hamlin said considering the self-created aspect, with their house and lot, there is not much with which they can work.

Mr. Bassette said the neighbor most impacted is on the west, and that is Chris Lopez.

Ms. Minderman said in 1821, the house was School #11 in Mendon. Mr. Bassette said that was before zone code, and Mr. Hamlin said there were three additions that were impacted by zoning somewhere.

Mr. Bassette asked if the Board had any other questions, and they had none.

Mr. Bassette waived the formal asking of the Five Questions, as they have been answered explicitly by the applicant.

PUBLIC COMMENT

None

MOTION

Mr. Tudhope moved, second by Mr. Maxon, to close the public hearing at 7:12 pm.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

CONNOLLY AREA VARIANCE PUBLIC HEARING

An area variance application by James Connolly, 14 Parks Crossing, Pittsford, for property located at 11 Mill Road, Mendon. Owned by James Connolly, CSM Property, LLC consisting of .5 acres, to convert an existing retail space into a private, single-family home with side

setbacks of 3.8 feet and approximately 17 feet and rear setback of 4.4 feet, whereas code requires a 30-foot side and rear setback and therefore requires an area variance. Zoned Business District. Tax account no. 216.07-1-13.

Mr. Bassette waived the reading of the public notice; it was published in the Sentinel.

Mr. Connolly came forward and said he knows the attorney. Mr. Marks said there is no conflict as the applicant is not a client of the firm.

Mr. Connolly said he is requesting a variance to change his current business to a residential home, but the conflict is on setbacks. One is the river, another is a commercial parking lot where the owner has approved the applicant's conversion, and the other is property the applicant owns.

Mr. Bassette asked if the applicant owns the property to the west. Mr. Connolly said yes. It is Clemenza's, the river, and his property. He tried keeping it a retail space, but it was not sellable. He wants to make it useful.

Mr. Bassette asked if there was no change in the footprint and the applicant said only the windows, doors, and siding will change. He wants to salvage as much of the roof as he can.

Mr. Tudhope asked if there were any other residences near there. Mr. Connolly said all his neighbors are homeowners except for Clemenza's and his property.

The applicant said he is just exploring all his options and may decide not to make any changes.

Mr. Bassette said there is pavement to the front. Mr. Connolly said he wants to change that. He does not want a parking lot there, especially since it is the Cottage's favorite place to park.

Mr. Bassette asked the applicant how long he has owned the house. Mr. Connolly said he bought it in 2005.

Mr. Bassette asked the Board if they had any other questions. There were none.

Mr. Bassette waived the formal asking of the Five Questions, as they have been answered.

PUBLIC COMMENT

None

MOTION

Mr. Cichon moved, second by Mr. Tudhope, to close the public hearing at 7:17 pm.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

MINUTES

Mr. Tudhope moved, second by Mr. Cichon to approve the minutes from March 10, 2022, as submitted.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

The Board reviewed the draft determination for the Hamlin Area Variance.

HAMLIN AREA VARIANCE DETERMINATION

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by Douglas Hamlin and Lynn Minderman, 1123 West Bloomfield Road, Honeoye Falls, consisting of .88 acres, zoned RA-1, for a 24.8' x 25x4' garage and repurpose exiting garage into living space at said property, with a front property line setback between 30-40 feet, whereas code requires a 60-foot front property line setback, be **approved** based on the following:

WHEREAS, Doug Hamlin, the property owner appeared before the Zoning Board of Appeals at the public hearing on May 12, 2022; and

WHEREAS, The existing residence has a front setback of approximately 15 feet at the point closest to the property line; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states that RA-1 has a front setback of 60 feet. The applicant is requesting a front setback of approximately 30 feet for the new garage; and

WHEREAS, A building permit was issued around November 14, 1967 for modifications to the building that already existed at that time; and

WHEREAS, As this is a nonconforming structure, section 260-21 of the Mendon Zoning Code requires approval for changes to the structure; and

WHEREAS, The applicant intends to add a garage to their existing residence, and re-purpose the existing garage as living space; and

WHEREAS, The proposed addition would not meet setback, but it would exceed by a lesser amount than the existing structure; and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated May 11, 2022; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit **cannot** be achieved by other feasible means, as the existing structure is non-conforming on setback.
2. The request **is** substantial, as it is approximately half of the required setback.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the

request will **not** have any adverse physical or environmental effects, as the impacted area is too small.

- 4. The request will **not** have an undesirable change in the neighborhood, as it does not encroach any more than the existing structure.
- 5. The difficulty **was** self-created, as it is an addition to an existing structure.
- 6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above.

MOTION

Mr. Tudhope moved, second by Mr. Maxon to approve the Hamlin Area Variance.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

The Board reviewed and discussed the Connolly Area Variance.

CONNOLLY AREA VARIANCE DETERMINATION

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by James Connolly, 14 Parks Crossing, Pittsford, for property located at 11 Mill Road, Mendon, owned by James Connolly, CSM Property, LLC consisting of .5 acres, with Tax account no. 216.07-1-13, zoned Business District, to convert an existing retail space into a private, single-family home with side setbacks of 3.8 feet and approximately 17 feet and rear setback of 4.4 feet, whereas code requires a 30-foot side and rear setback, be **approved** based on the following:

WHEREAS, James Connolly, the property owner appeared before the Zoning Board of Appeals at the public hearing on May 12, 2022; and

WHEREAS, The applicant intends to remodel the existing retail space into residential use, with no change to the buildings footprint; and

WHEREAS, The Code Enforcement Office has submitted a memo, dated May 10, 2022, offering his view on the situation and it being an approved use; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the Business District has a side setback of 30 feet and rear setback of 30 feet. The applicant is requesting a side setback of approximately 3.8 feet and rear setback of approximately 4.4 feet; and

WHEREAS, As this is a nonconforming structure, section 260-21 of the Mendon Zoning Code requires approval for changes to the structure; and

WHEREAS, A building permit was issued around February 20, 1985 for a sign, indicating the building already existed at that time; and

WHEREAS, Irondequoit Creek is directly east of the structure; and

WHEREAS, The neighborhood is well developed, a mixture of commercial and residential uses; and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit **cannot** be achieved by other feasible means, as rebuilding to match setbacks is not practical.
2. The request **is** substantial, as it is ~87% reduction of required setback.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as it is a renovation of an existing structure.
4. The request will **not** have an undesirable change in the neighborhood, as the usage is permitted.
5. The difficulty was **not** self-created, as the building had non-conforming setbacks when purchased.
6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above.

MOTION

Mr. Tudhope moved, second by Mr. Maxon to approve the Connolly Area Variance.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

The Board discussed the Cawley Area Variance for Horses and untabling his application. The Board confirmed with Mr. Marks, the attorney, the Board can vote to rehear the applicant at the next Zoning Board meeting on May 26, 2022.

The Board discussed the letter Mr. Cawley submitted to the Board for reconsideration, and his amendment for the number of horses he is requesting.

The Board discussed the manure management.

Mr. Tudhope said he will be out of town during the next meeting. Mr. Bassette said Mr. Tudhope can submit questions for the Board to ask in his absence.

MOTION

Mr. Maxon moved, second by Mr. Mahood to rehear the applicant, Josh Cawley, at the next Zoning Board meeting on May 26, 2022.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

MOTION

Mr. Maxon moved, second by Mr. Mahood to adjourn the meeting at 7:32 PM.

APPROVED

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Tudhope – aye; Mr. Mahood – aye; and Mr. Cichon – aye.